

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA AND STATE OF NEW
JERSEY,

Plaintiffs,

v.

DONALD J. TRUMP, ALEX M. AZAR II,
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
STEVEN T. MNUCHIN, UNITED STATES
DEPARTMENT OF THE TREASURY,
RENE ALEXANDER ACOSTA, THE
UNITED STATES DEPARTMENT OF
LABOR, AND THE UNITED STATES OF
AMERICA,

Defendants,

LITTLE SISTERS OF THE POOR
SAINTS PETER AND PAUL HOME,

Defendant-Intervenor.

CIVIL ACTION

NO. 17-4540

ORDER

AND NOW, this 14th day of January, 2019, upon consideration of the Plaintiffs' Second Motion for a Preliminary Injunction (ECF No. 90), Defendants' and Defendant-Intervenor's Responses thereto (ECF Nos. 107 & 108), the Plaintiffs' Reply in Support thereof (ECF No. 118), the Administrative Record (ECF Nos. 23, 47 & 126), Briefs of the Amici Curiae (ECF Nos. 110, 112, 113, 115, 117 & 127), and following a Hearing on Plaintiffs' Motion on January 10, 2019, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**.

It is **FURTHER ORDERED** that Defendants Alex M. Azar II, as Secretary of the United States Department of Health and Human Service; the United States Department of Health

and Human Services; Steven T. Mnuchin, as Secretary of the United States Department of Treasury; the United States Department of Treasury; Rene Alexander Acosta, as Secretary of the United States Department of Labor; and the United States Department of Labor;¹ and their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are hereby **ENJOINED** from enforcing the following Final Rules across the Nation, pending further order of this Court:

1. Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act, 83 Fed. Reg. 57,536 (Nov. 15, 2018); and
2. Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act, 83 Fed. Reg. 57,592 (Nov. 15, 2018).

The Court has considered the issue of security pursuant to Rule 65(c) of the Federal Rules of Civil Procedure and determines that Defendants will not suffer any financial loss that warrants the need for the Plaintiffs to post security.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

¹ In light of the constitutional concerns associated with enjoining the President of the United States for a claim under the Administrative Procedure Act, this injunction does not apply to the President. *See Franklin v. Massachusetts*, 505 U.S. 788, 801 (1992).